

Because Plaintiff is voluntarily dismissing Count III (trespass) and the portion of Count II (conversion) prior to the November 7, 2014, deadline for Defendants to respond to the Complaint, each side should bear its own attorney's fees and costs and this case should be dismissed without prejudice.

DATED: November 3, 2014

Respectfully submitted,

MAXIENT, LLC

By counsel,

/s/

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CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of November, 2014, a true and accurate copy of the foregoing was electronically filed with the Court using the CM/ECF system, which will send a notice of electronic filing upon the following counsel of record:

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